

**2001 DRAFTING REQUEST****Senate Amendment (SA-SSA1-SB37)**Received: **02/11/2001**Received By: **gibsom**Wanted: **02/12/2001**

Identical to LRB:

For: **Kevin Shibilski (608) 266-3123**By/Representing: **John Stolzenberg**This file may be shown to any legislator: **NO**Drafter: **gibsom**May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - wet/shore/flood**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Significant wetlands

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/11/2001	jdye 02/12/2001	jfrantze 02/12/2001	_____	lrb_docadmin 02/12/2001	lrb_docadmin 02/12/2001	
/2	gibsom 02/12/2001	jdye 02/12/2001	martykr 02/13/2001	_____	lrb_docadmin 02/13/2001	lrb_docadmin 02/13/2001	

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&lt;END&gt;

**Gibson-Glass, Mary**

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**From:** Stolzenberg, John  
**Sent:** Saturday, February 10, 2001 5:06 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Holschbach, Todd  
**Subject:** Drafting Request for Shilbilski Amendment to SSA 1 to SB 37

Mary,

I've included below the drafting instructions for an amendment to SSA 1 to SB 37 requested by Sen. Shilbilski.

Feel free to call me with any questions you may have on this request.

John

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John Stolzenberg, Staff Scientist  
Wisconsin Legislative Council Staff  
P.O. Box 2536  
Madison, WI 53701-2536  
Direct: 608-266-2988 Fax: 608-266-3830  
John.Stolzenberg@legis.state.wi.us

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- 1. Drafting instructions for an amendment to Senate Substitute Amendment 1 to 2001 Senate Bill 37**
  - a. Requested by Sen. Shilbilski*
  - b. Submitted by John Stolzenberg, Legislative Council, 6-2988*
  - c. Contacts on Sen. Shilbilski's staff: Todd Holschbach or Aaron Nuutinen.*
- 2. Purpose: to provide additional protection to significant wetlands, those with higher functional values.**
- 3. Definitions:**
  - a. "Federal wetland" means a wetland that is not a nonfederal wetland.*
  - b. "Nonfederal wetland" has the meaning specified in s. 281.36 (1) (a).*
  - c. "Significant federal wetland" means a federal wetland adjacent to navigable water, as defined in s. 281.31 (2) (d), as defined by rule by the department.*
  - d. "Significant nonfederal wetland" means a large nonfederal wetland as defined by rule by the department.*

- e. ***"Significant wetland" means a significant federal wetland or a significant nonfederal wetland.***

**4. DNR duties (new section in ch. 281?):**

- a. ***The DNR shall establish by rule water quality standards that protect the higher functional values of significant wetlands.***
- b. ***The DNR shall use the water quality standards promulgated under the previous provision in its review of a water quality certification application under s. 281.36 or 33 USC 1341.***



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0184/1

MGG:.....

10 AM

Mon.

jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE AMENDMENT ,**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 37**

- 1 At the locations indicated, amend the substitute amendment as follows: ✓
- 2 1. Page 1, line 4: after "wetlands" insert "and significant wetlands". ✓
- 3 2. Page 8, line 2: after that line insert:
- 4 "SECTION 5m. ✓ 281.38 of the statutes is created to read:
- 5 281.38 ← (B) Water quality certification for significant wetlands. (1)
- 6 DEFINITIONS. In this section: ✓
- (7) (a) "Federal wetland" means a wetland that is not a federal wetland. non
- (8) (b) "Navigable water" has the meaning given in s. 281.31 (2) (d). ✓
- 9 (c) "Nonfederal wetland" has the meaning given in s. 281.36 (1) (a). ✓
- 10 (d) "Significant wetland" means either of the following: (C)
- 11 1. A federal wetland ✓ that is adjacent to navigable water.

2. A large nonfederal wetland. ✓

(2) DEFINITIONS; RULES. For purposes of this section, the department by rule

shall define "adjacent to navigable water" and "large federal wetland".

(3) WATER QUALITY STANDARDS. The department shall promulgate rules to set specific water quality standards for significant wetlands for the purpose of protecting the greater functional values performed by significant wetlands. The department shall use these water quality standards in reviewing applications for water quality certifications issued under s. 281.36 (2) and for certifications issued by the department to implement 33 USC 1341 (a).".

**(END)**



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0184/2  
MGG:jld:jf

Tues  
9 AM

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 37**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 4: after "wetlands" insert "and significant wetlands".

3 **2.** Page 8, line 2: after that line insert:

4 **"SECTION 5m.** 281.38 of the statutes is created to read:

5 **281.38 Water quality certification for significant wetlands. (1)**

6 **DEFINITIONS.** In this section:

7 (a) "Federal wetland" means a wetland that is not a nonfederal wetland.

8 (b) "Navigable water" has the meaning given in s. 281.31 (2) (d).

9 (c) "Nonfederal wetland" has the meaning given in s. 281.36 (1) (c).

10 (d) "Significant wetland" means either of the following:

11 1. A federal wetland that is adjacent to navigable water.

12 2. A large nonfederal wetland.



(for significant wetlands)

(2) DEFINITIONS; RULES. For purposes of this section, the department by rule shall define “adjacent to navigable water” and “large nonfederal wetland.”

(3) WATER QUALITY STANDARDS. The department shall promulgate rules to set specific water quality standards for significant wetlands for the purpose of protecting the greater functional values performed by significant wetlands. The department shall use these water quality standards in reviewing applications for water quality certifications <sup>for significant wetlands</sup> issued under s. 281.36 (2) and for certifications issued by the department to implement 33 USC 1341 (a).".

water quality

**(END)**